

OCT 4 1989

BEFORE THE
COPYRIGHT ROYALTY TRIBUNAL

Washington, D.C. 20036

In the Matter of

Distribution of 1987

Cable Royalty Fund

) Docket No. CRT-89-2087CD
)
)
)
)MOTION TO STRIKE

The Settling Devotional Claimants, through counsel, hereby move to strike the following parts of the Direct Case for Christian Television Corporation ("CTC"):

A. Testimony of Robert T. Kennedy

1. The last sentence of the third full paragraph on page 2 should be stricken. The sentence reads as follows:

. . . we increased our cable coverage 62% (from January to November, 1987)."

This statement lumps together carriage of CTC's programs on both local and distant signals. It is irrelevant to the Tribunal's determination concerning the marketplace value of CTC's programs solely on distant broadcast signals. Indeed, the sentence tends to confuse the issues by failing to distinguish local from distant signal carriage, and should therefore be stricken from testimony presented to the Tribunal.

2. The last sentence of the fourth full paragraph on page 4 should be stricken. The sentence reads:

"CTC programming is a special benefit in that we offer 168 hours of Christian programming per week, 46-1/2 hours of which is CTC-produced original programming." (emphases omitted).

This statement does not report cable carriage of distant signals. Rather, it relates either to carriage of CTC's programs on CTC's own satellite network or to carriage on CTC's own broadcast station. The amount of programming on the network and station have absolutely no bearing on the Tribunal's determination and should be stricken from the record.

3. The material beginning in the second line of page 5 relating to an article in Broadcasting Magazine and CTC's analysis thereof should be stricken -- it is not sponsored by a competent witness who can be cross-examined on its content. The material states:

"It is interesting to note that in the July 18, 1988 issue of Broadcasting magazine, an article entitled: "On Understanding TV Evangelists," by Florida Southern College Professor, Stephan Winzenburg states:

Fact: "In a content analysis I conducted last year, (1987), of the seven best-known TV ministries, I found that they used only 11% of their air time for fund-raising and another 11% for promotion. That 22% compares to the 21% of commercial TV time that is devoted to advertisements."

CTC was nearly 9% below the top seven TV minis-

tries in using airtime to fund-raise." (Footnote omitted).

Professor Winzenburg has not been produced for cross-examination. CTC has not been able to produce the data on which Professor Winzenburg's "analysis" is based. The Winzenburg "analysis" is therefore inadmissible hearsay -- it would be unfair to permit CTC to introduce testimony as to alleged "facts" which cannot be tested in the crucible of cross-examination.

4. The first clause of the first sentence of the last full paragraph on page 5 should be stricken. The clause reads as follows:

"While most of the other devotional claimants must pay to have their programs aired on broadcast stations,"

This statement is not sponsored by a competent witness who can be cross-examined on its content. CTC's witness Robert Kennedy is not an expert on the practices of (unidentified) "other devotional claimants." Again, it would be unfair to allow Mr. Kennedy to make allegations as to alleged "facts" which cannot be tested by cross-examination.

5. The second and third sentences of the fifth paragraph on page 6 should be stricken. These sentences state:

"The eleven (11) copyrighted programs we are claiming made up 46-1/2 hours of the total 168 hours of programming airing each week on the Christian Television Network. Eight (8) of the eleven CTC programs aired on a total of 67 times each week in prime time (between 6-11 pm)."

The first sentence in this quotation contains the same statement discussed in objection A(2) above. It relates to CTC's satellite network or broadcast station and should be stricken as irrelevant for the reasons stated in objection A(2) above. The next sentence (concerning prime time coverage) either relates to CTC's satellite network or over-the-air broadcasting and should therefore be stricken. This sentence tends to confuse rather than clarify the issues by mixing distant signal data with irrelevant data.

6. The following statement in the second full paragraph of paragraph 7 should be stricken:

"in addition to the 5.65% of fees generated by CTC programming on Form 3 systems."

This statement is false and is utterly without foundation. Nothing in CTC's case or exhibits supports in any way the allegation that CTC generates 5.65% of Form 3 royalties.

7. The following statement beginning on the first line of page 10 should be stricken: "168 hours of Christian programming per week, 46-1/2 hours of which is CTC produced original copyrighted programming." This is the same statement discussed in objection A(2) above and also in A(5) above. Carriage on CTC's satellite network and broadcast station is irrelevant and statements concerning same should be stricken.

8. The last four lines of the last paragraph on page 11 should be stricken. These lines read as follows:

This [fund-raising] was a major consideration among cable operators I met with, especially after the PTL/Bakker scandal came to light in March, 1987, and prompted two of the nation's largest cable operators, (TCI and United Cable), to drop PTL. (See Exhibits 7-A & 7-B).

Mr. Kennedy is not competent to testify as to the circumstances of the alleged "PTL/Bakker scandal." He is not an expert on this matter and should not be permitted to testify concerning same. Mr. Kennedy is even less competent to testify concerning decisions made by TCI and United Cable. He cannot produce the documents relating to decisions by United Cable and TCI, and he is not privy to the circumstances surrounding their decisions concerning PTL. The newspaper articles appended as Exhibit 7-A and 7-B are thus the worst sort of hearsay -- it would be patently unfair to allow Mr. Kennedy to make allegations as to alleged "scandals" or "decisions by TCI" which cannot be tested by cross-examination of a competent witness or by examination of relevant underlying documents. It should also be noted that the articles attached as Exhibits 7A and B appear to concern a decision by TCI to drop the PTL cable network. This has nothing whatsoever to do with distant signal carriage. On this ground as well, the Kennedy testimony concerning these articles should be stricken as irrelevant.

9. The second sentence of the first paragraph on page 12 should be stricken. The sentence reads:

This was far below the average amount of time spent in fund-raising by the seven best-known TV ministries reported in a survey conducted in 1987,

by Dr. Stephen Winzenburg, of Florida Southern College. (See Exhibit No. 13).

This statement is based on the same Broadcasting article discussed in objection A(3) and should be stricken for the reasons stated in that objection -- the Winzenburg "analysis" can not be subjected to cross-examination and is therefore inadmissible hearsay.

10. The last sentence of the second paragraph on page 12 should be stricken. The sentence reads:

We especially found all of these reasons beneficial to cable operators in 1987 as we increased our cable coverage on our six CTC stations by 62% during the first eleven months of that year by picking up an additional 34 cable systems.

This is the same -- irrelevant -- statement discussed in objection A(1) above. It concerns carriage of CTC's programs on local signals as well as distant signals, tends to confuse the issues by mixing the two, and should therefore be stricken as irrelevant.

11. The first paragraph on page 13 should be stricken. That paragraph states:

Exhibits Nos. 8-8A & B the 1986 & 1987 Nielsen Report on Devotional Programs is clearly indicative of the negative trend many TV ministries took in 1987, with the notable decreases going to the PTL Club, (-40.8%), and decrease of -29.6% for the 700 Club.

This testimony, and the Nielsen Report to which it refers, do not relate to distant signal carriage on cable systems. Rather, the

Report relates to certain over-the-air broadcast carriage -- carriage which is utterly irrelevant to the Tribunal's determination. (The report does not even relate to cable carriage, much less to distant cable carriage.) Testimony concerning the results of a study of over-the-air broadcasts serves to confuse the issues and should therefore be stricken as irrelevant. Moreover, even assuming arguendo that the Nielsen Report was relevant, it is not sponsored by a competent witness and should therefore be stricken. No witness from the Nielsen company has been made available for cross-examination concerning the design of the underlying study. Indeed, CTC has not presented testimony from any expert witness as to the validity or significance of the report -- Mr. Kennedy is surely not an expert in statistics or broadcast research. Thus, the Settling Devotional Claimants cannot cross-examine a competent witness concerning the Nielsen Report and testimony concerning same should be stricken from the case.^{1/}

12. The first clause of the first sentence in the third paragraph on page 13 should be stricken. The clause states:

^{1/} Once the first paragraph on page 13 is stricken, part of the last sentence of the fourth paragraph on page 12 must also be stricken. The part of the sentence states:

"At a time when many of the best-known TV mini-series decreased in the marketplace."

The only substantiation for this statement is the Nielsen Report concerning over-the-air broadcast carriage, which must be stricken as irrelevant and without proper foundation for the reasons stated in the text. Once the purported "substantiation" is stricken, a bald allegation as to a "decrease" should not be allowed to remain.

"While the majority of the Devotional Claimants must pay to have their programs aired on broadcast stations"

This statement is discussed in objection A(4) above -- it should be stricken because it is not offered by a competent witness and cannot be subjected to cross-examination.

13. The third and fourth sentences in the third paragraph on page 13 should be stricken. The sentences read:

" For example, in 1986, 22 stations carried Joy Junction. In 1987, 39 stations carried Joy Junction, an increase of 77.2%."

These statements report over-the-air broadcasting data, do not relate to distant signal carriage, and are therefore irrelevant to the Tribunal's determination.

14. The following paragraph on page 13 should be stricken:

In 1987, CTC also saw the following growth: 104% increase in the top 50 markets . . . and 57% increase in the top 20 markets.

These figures apparently report over-the-air broadcast data, do not relate to distant signal carriage, and are therefore irrelevant to the CRT's determination.

15. The following sentence in the sixth paragraph on page 13 should be stricken:

"For example, 54 hours per week of CTC programs aired on 31 stations in prime time." (Emphasis omitted).

This sentence does not relate to distant signal carriage -- it reports data concerning over-the-air broadcasting. The sentence is therefore irrelevant and should be stricken.

16. The following clause in the second full paragraph on page 14 should be stricken:

"and the fact that CTC programming made up 5.65% of all fees generated by Form 3 distant systems. .
.."

This is the same false statement, utterly without foundation, to which the Settling Devotional Claimants objected in A(6) above.

17. The first paragraph on page 15 should be stricken. The paragraph reads as follows:

The eleven copyrighted programs we are claiming made up 46-1/2 hours of the total 168 hours of programming airing each week on the Christian Television Network. Eight of the eleven CTC programs aired a total of 67 times each week in prime time, of which 18 times per week were in prime time on 17 Distant systems. Exhibit No. 11 shows a program-by-program run down of CTC productions which aired in prime time.

The first sentence in this quotation is the irrelevant statement discussed in A(2) above. It relates to CTC's own satellite network or broadcast station and should be stricken as irrelevant. The remainder of the paragraph concerns carriage of CTC's signals on over-the-air broadcast stations as well as on cable. The sentence confuses the issue by failing to distinguish broadcast from cable carriage and should therefore be stricken from testimony.

B. Testimony of Don MacAllister

20. The third paragraph on page one should be stricken.

The paragraph reads as follows:

In 1986, Joy Junction was aired on 22 broadcast stations and three nation-wide satellite networks: PTL, TBN and RCN. In 1987, Joy Junction was broadcast on 39 television stations, five nation-wide satellite networks: CTN, TBN, PTL, Liberty Broadcast Network and the Motivational Network out of Rock Church in Virginia Beach, and carried on over 1,000 cable systems with 8,960,000 subscribers. Approximately 453,000 of those subscribers were on 38 distant cable systems. The increase in broadcast stations alone was 77.2%.

This testimony fails to distinguish among over-the-air broadcast, carriage on CTC's own satellite network, local signal cable carriage and distant signal cable carriage. By lumping together carriage by different means, it serves only to confuse the issue concerning the value of CTC's programs on distant signals. The testimony should therefore be stricken as irrelevant.

21. The fourth full paragraph on page 2 should be stricken.

The paragraph states:

In 1987, Becky's Barn was carried by 229 local cable systems and 11 distant systems reaching more than 2,625,000 subscribers.

This paragraph mixes local and distant signal carriage and thereby arrives at a number of "subscribers" which is utterly irrelevant to the Tribunal's determination. It should be stricken as irrelevant.

18. The last two lines of the second paragraph on page 15 should be stricken. The lines read:

"and an overall 12-station program average of 4.4% was CTC programming which aired on Form 3 cable systems."

This phrase is extremely difficult to understand. Insofar as it implies that CTC programming constituted 4.4% of all programming on Form 3 systems, or 4.4% of all devotional programming on Form 3 systems, it is false, without foundation, and should be stricken.

19. In the section entitled Conclusion on page 15, the following lines should be stricken:

- * CTC grew 140% in the top 50 markets.
- * CTC grew 57% in the top 20 markets.
- * CTC programming made up an average of 4.4% of all programming transmitted on Form 3 Distant systems, and generated 5.65% of Form 3 Distant cable fees. (Exhibit No. 6).

The reason that each line should be stricken is as follows:

(a) The first line does not relate to distant signal carriage and is therefore irrelevant.

(b) The second line does not relate to distant signal carriage and is therefore irrelevant.

(c) The third line is false and wholly without foundation. Nothing in CTC's exhibits lends any support whatsoever to the claims by CTC about the magnitude of its carriage.

C. Testimony of Thomas A. Larson

22. The third and fourth paragraphs on page 1 should be stricken. The paragraphs read as follows:

In the Call Sign Documentation Report we ran for Christian Television Corporation on August 18, there were 11 stations listed on the 1986-1 & 2 Statement of Accounting periods that had not carried CTC copyrighted programming in 1986. These stations are: (See CTC Exhibit 14-A): KDTX, Dallas, Texas...KFCB, Concord, CA...KITU, Beaumont, TX...KNAT, Albuquerque, NM...WEJC, Lexington, NC...WKBS, Altoona, PA...WLLA, Kalama-zoo, MI...WMCF, Montgomery, AL...WOAY, Oak Hill, WV...WTUR, Quincy, IL...and WTLJ, Muskegon, MI.

When I received a list of the station call signs from CTC for the 1987 report, the computer was set to include the two Statement of Accounting periods for 1986 to be used as a comparison. The 11 stations that were added for the 1987-1 Accounting period was an increase of 19.14% in the number of broadcast stations which air CTC copyrighted programming.

This testimony concerns carriage of CTC's programs by over-the-air broadcast signals. The eleven stations listed are not all carried as distant signals. The highlighted "increase" of 19.14% relates to over-the-air broadcast, not to distant signal carriage. This testimony serves only to confuse the issues relevant to the Tribunal's decision and should therefore be stricken.

D. Exhibits

23. The following materials in the "Video-Tape Script" (Exhibit 4-A), and the corresponding portions of the videotape (Exhibit 4) should be stricken:

(a) The third full paragraph on page one should be stricken. The paragraph states:

The Christian Television Corporation has grown to become the Christian Television Network which is made up of six full-power stations, medium power stations, and a nation-wide satellite network providing 24-hour Christian programming to over 20 million people in the United States, Canada, parts of Mexico, Central & South America, and the Islands of the Caribbean.

CTC's status as an operator of over-the-air broadcast stations is irrelevant. The number of people who view CTC's satellite network is also irrelevant. Because the claims in this paragraph are not germane to distant signal carriage, the claims should be stricken from the script and related video tape.

(b) The following phrase on page 3 (paragraph 1) of the script, and the associated portion of the tape, should be stricken:

"is now seen on 40 stations and over 2,500 cable systems across America and into foreign countries. . . .

Again, this phrase lumps together data concerning over-the-air broadcasting with local (as well as distant) carriage on cable systems. The proffered numbers are therefore misleading, confuse the issues, and should be stricken.

(c) The following portion of the second paragraph on page 4, and the associated portion of the videotape, should be stricken:

SOLO ACT is available to millions of viewers every week in almost every major city in America through telecasts over 40 television stations, hundreds of cable systems, and nationwide broadcasters on the Trinity Broadcasting Network and the Christian Television Network.

The objection is the same: CTC should not be permitted to introduce data concerning -- irrelevant -- carriage on over-the-air television stations, satellite networks and local signals.

(d) The fourth full paragraph on page 5, and the associated portion of the videotape, should be stricken. The paragraph reads:

The Christian Television Network strives to provide quality Christian programming for the whole family. CTN's late night alternative to the secular television talk shows is: GOOD NIGHT ALIVE with zany host, Jim Gates. It's one hour of outrageous fun, challenging ministry and live call-ins on America's ONLY nationwide, live, late-Night Christian program...GOOD NIGHT ALIVE.

There is no evidence that "Good Night Alive" appeared on any broadcast station carried by any Form 1 or Form 2 cable system as a distant signal in 1987. Evidence concerning this program is therefore irrelevant and should be stricken.

24. On CTC Exhibit 5, item #7 should be stricken. It states:

"7. GOOD NIGHT ALIVE (60 min.) -- Live, late night, talk variety show."

As noted above (Objection 23(d)) there is no evidence of distant signal carriage of this program and evidence concerning the program is therefore irrelevant.

25. CTC Exhibits 7(A) and 7(B), containing the results of an irrelevant Nielsen Report, should be stricken. As explained in detail in objection A(11) above, the Nielsen Report relates to over-the-air broadcasting, which is utterly irrelevant to the Tribunal's determination. Moreover, the Report is not sponsored by a witness competent to be cross-examined concerning the methodology used to generate the Report or its statistical significance. Exhibits 7(A) and 7(B) should therefore be stricken from the record.

26. The first two columns of Exhibit 11 should be stricken from the record. These columns report alleged "prime-time" carriage of CTC's programs on stations which are not carried as distant signals. Of what possible relevance could this be to the Tribunal's determination? The columns should be stricken, leaving only relevant data concerning distant signal coverage.

27. CTC Exhibit No. 12 should be modified as that it lists only those broadcast stations which are carried as distant signals. Data about stations which are not carried is completely irrelevant and should be stricken. A version of Exhibit 12 containing only relevant data is attached hereto as Exhibit A -- CTC should be permitted to introduce only this amended version.

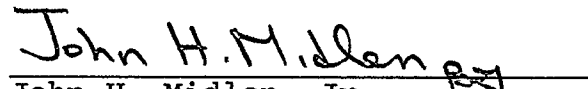
28. CTC Exhibit No. 13, a reprint of an article in Broadcasting, should be stricken from the record as explained at length in objection A(3) above. The exhibit is not sponsored by a competent witness who can be cross-examined on the "analysis" or purported "facts" reported in the article.

29. Exhibit 14-A should be modified so as to delete information concerning broadcast signals carried only on as local signals. This information is confusing and irrelevant. A proposed modified exhibit containing only relevant information is attached as Exhibit B hereto. CTC should be required to amend its exhibit to conform with Exhibit B.



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Dated: October 4, 1989

EXHIBIT A

1987 CABLE ROYALTY FUND
CHRISTIAN TELEVISION CORPORATION
STATION/PROGRAM TIME SCHEDULE

PROGRAM TITLE: JOY JUNCTION

LENGTH: 30 MINUTES

STATIONS	COMMUNITY OF CARRIAGE	DAY/TIME BDCST.
KDTX-TV 58	DALLAS, TX	SAT. 9-9:30 AM
KFCB-TV 42	CONCORD/SAN FRANCISCO/SACRAMENTO, CA	M-F 3:30-4 PM SAT. 8:30-9 AM
KTUJ-TV 44	HARLINGEN, TX	SAT. 9-9:30 AM
KNAT-TV 23	ALBUQUERQUE, NM	SAT. 8-8:30 AM
KNHC-TV 24	ST. LOUIS, MO	MON. 7:30-8 AM FRI. 1:30-2 PM
KPAZ-TV 21	PHOENIX, AZ	SAT. 8-8:30 AM
KTBN-TV 40	TUSTIN/SANTA ANA, CA	SAT. 7-7:30 AM
KTBO-TV 14	OKLAHOMA CITY, OK	SAT. 9-9:30 AM
KTBW-TV 20	TACOMA, WA	SAT. 7-7:30 AM
KWHB-TV 47	TULSA, OK	SAT. 10-10:30 AM WED. 4:30-5 PM
KYEC-TV 50	KANSAS CITY, MO/SHAWNEE MISSION, KS	FRI. 4-4:30 PM SAT. 7:30-8 AM
WCFC-TV 38	CHICAGO, IL	SAT. 10-10:30 AM THU. 7-7:30 AM THU. 4-4:30 PM
WCLF-TV 22	TAMPA/ST. PETE/CLEARWATER, FL	SAT. 8:30-9 AM TUE. 3-3:30 PM
WDLI-TV 17	CANTON, OH	SAT. 9-9:30 AM
WEFC-TV 38	ROANOKE/LYNCHBURG, VA	FRI. 4-4:30 PM SAT. 9:30-10 AM
WEJC-TV 20	LEXINGTON/WINSTON-SALEM, NC	THU. 4:30-5 PM SAT. 10:30-11 AM
WFHL-TV 23	DECATUR, IL	SAT. 10:30-11 AM
WGGN-TV 52	SANDUSKY/TOLEDO/CLEVELAND, OH	MON. 4-4:30 PM

1987 CABLE ROYALTY FUND
CHRISTIAN TELEVISION CORPORATION
STATION/PROGRAM TIME SCHEDULE

PROGRAM TITLE: JOY JUNCTION

LENGTH: 30 MINUTES

STATIONS	COMMUNITY OF CARRIAGE	DAY/TIME BDCST.
WHBR-TV 33	PENSACOLA/MOBILE	MON. 7:30-8 AM FRI. 4-4:30 PM SAT. 7:30-8 AM SAT. 1-1:30 PM
WHFT-TV 45	MIAMI, FL	SAT. 10-10:30 AM
WHMB-TV 40	INDIANAPOLIS/NOBLESVILLE, IN	SAT. 6-6:30 AM
WHME-TV 46	SOUTH BEND, IN	SAT. 7-7:30 AM
WHIN-TV 39	MURFREESBORO/NASHVILLE, TN	SAT. 7:30-8 AM THU. 2:30-3 PM TUE. 2-2:30 PM
WKBS-TV 48	ALTOONA, PA	FRI. 4:30-5 PM SAT. 10:30-11 AM
WKOI-TV 43	RICHMOND, IN	SAT. 9-9:30 AM
WLCN-TV 19	MADISONVILLE, KY	SAT. 9-9:30 AM
WLXI-TV 61	GREENSBORO, NC	SAT. 10-10:30 AM
WLYJ-TV 46	CLARKSBURG, WV	THU. 3:30-4 PM SAT. 10-10:30 AM
WPCB-TV 40	GREENSBURG/PITTSBURG, PA	SAT. 10:30-11 AM FRI. 4:30-5 PM
WRDG-TV 16	BURLINGTON, NC	SAT. 10-10:30 AM MON. 4-4:30 PM
WSFJ-TV 51	NEWARK/THORNVILLE, OH	SAT. 11-11:30 AM
WSWS-TV 66	OPELIKA/AUBURN, AL/COLUMBUS, GA	SAT. 7:30-8 AM SAT. 1-1:30 PM
WBY-TV 54	POUGHKEEPSIE, NY	SAT. 10-10:30 AM
WIGL-TV 52	COCOA/ORLANDO/DAYTONA BCH, FL	SAT. 9:30-10 AM WED. 4:30-5 PM
WIUC-TV 26	SPRINGFIELD, OH	VARIES - 1 time per wk.
WIUR-TV	QUINCY, IL	SAT. 9-9:30 AM

1987 CABLE ROYALTY FUND
CHRISTIAN TELEVISION CORPORATION
STATION/PROGRAM TIME SCHEDULE

PROGRAM TITLE: JOY JUNCTION

LENGTH: 30 MINUTES

STATIONS	COMMUNITY OF CARRIAGE	DAY/TIME BDCST.
WTKK-TV 66	MANASSAS, VA	SAT. 10-10:30 AM THU. 3-3:30 PM
WFLJ-TV 54	MUSKEGON/GRAND RAPIDS, MI	SAT. 10-10:30 AM
WTSE-TV 61	ASHLAND, KY	SAT. 4-4:30 PM
<u>NATION-WIDE SATELLITE BROADCASTS</u>		
PTL	(Originates in Charlotte, NC	SAT. 2-2:30 PM
LBN	(Originates in Lynchburg, VA	SAT. 10:30-11 AM
TBN	(Originates in Santa Ana, CA)	SAT. 7-7:30 AM
CTN	(Originates in Clearwater, FL)	SAT. 8:30-9 AM TUE. 3-3:30 PM

1987 CABLE ROYALTY FUND
CHRISTIAN TELEVISION CORPORATION
STATION/PROGRAM TIME SCHEDULE

PROGRAM TITLE: BECKY'S BARN

LENGTH: 30 MINUTES

STATIONS	COMMUNITY OF CARRIAGE	DAY/TIME BROADCAST
WCLF-TV 22	TAMPA/ST. PETE/CLEARWATER, FL	SAT. 7:30 AM TUE. 7:00 AM THU. 3:00 PM
WICL-TV 52	ORLANDO/COCOA/DAYTONA, FL	SAT. 7:30 AM TUE. 7:00 AM THU. 3:00 PM
WHIN-TV 39	MURFREESBORO/NASHVILLE, TN	SAT. 6:30 AM TUE. 6:00 AM THU. 2:00 PM
WHBR-TV 33	MOBILE, AL/PENSACOLA, FL	SAT. 6:30 AM TUE. 6:00 AM THU. 2:00 PM
WSWS-TV 66	OPELIKA/AUBURN, AL/COLUMBUS, GA	SAT. 6:30 AM TUE. 6:00 AM THU. 2:00 PM
WESC-TV 20	WINSTON-SALEM/GREENSBORO/HIGH POINT, NC	SAT. 7:30 AM THU. 2:00 PM TUE. 7:00 AM
[TEAM-TV CABLE CH. 30	SIoux FALLS, SD	THU. 5:00 PM]
WLYJ-TV 46	CLARKSBURG, W.VA	THU. 3:00 PM
WPCB-TV 40	GREENSBURG/PITTSBURGH, PA	FRI. 4:00 PM
WKBS-TV 47	ALTOONA, PA	FRI. 4:00 PM
KFCB-TV 42	CONCORD/SAN FRANCISCO/SACRAMENTO	TUE. 3:00 PM

1987 CABLE ROYALTY FUND
CHRISTIAN TELEVISION CORPORATION
STATION/PROGRAM TIME SCHEDULE

PROGRAM TITLE: SOLO ACT

LENGTH: 30 MINUTES

STATIONS	COMMUNITY OF CARRIAGE	DAY/TIME BDCST.
KDTX-TV 58	DALLAS, TX	SAT. 6:30-7 AM
KFCB-TV 42	CONCORD/SAN FRANCISCO/SACRAMENTO, CA	MON. 3-3:30 AM FRI. 6:30-7 PM
KITU-TV 34	MAURICEVILLE, TX	SAT. 6:30-7 AM
KLUJ-TV 44	HARLINGEN, TX	SAT. 6:30-7 AM
KNAT-TV 23	ALBUQUERQUE, NM	SAT. 5:30-6 AM
KPAZ-TV 21	PHOENIX, AZ	SAT. 5:30-6 AM
KTBN-TV 40	TUSTIN/SANTA ANA, CA	SAT. 4:30-5 AM
KTBO-TV 14	OKLAHOMA CITY, OK	SAT. 6:30-7 AM
KTBW-TV 20	TACOMA/SEATTLE, WA	SAT. 4:30-5 AM
K57TB-TV 57	DENVER, CO	SAT. 5:30-6 AM
WCLF-TV 22	CLEARWATER/TAMPA/ST. PETE, FL	MON. 7-7:30 PM FRI. 2:30-3 AM
WDLL-TV 17	CANTON, OH	SAT. 6:30-7 AM
WEFC-TV 38	ROANOKE/LYNCHBURG, VA	SUN. VARIES 1x per wk.
WEJC-TV 20	LEXINGTON/WINSTON-SALEM, NC	MON. 7:30-8 PM
W68BN-TV 68	FT. WAYNE, IN	VARIES 1x PER WK.
WHBR-TV 33	PENSACOLA, FL/MOBILE, AL	WED. 7-7:30 PM SAT. 8-8:30 PM
WHFT-TV 45	MIAMI, FL	SAT. 7:30-8 AM
WHNN-TV 39	MURFREESBORO/NASHVILLE, TN	SUN. 8:30-9 AM SAT. 11:30-12 PM
WKOI-TV 43	RICHMOND, IN	SAT. 6:30-7 AM
WLXI-TV 61	GREENSBORO, NC	SAT. 7:30-8 AM
WLYJ-TV 46	CLARKSBURG, WV	SAT. 2-2:30 AM SAT. 7-7:30 AM

1987 CABLE ROYALTY FUND
CHRISTIAN TELEVISION CORPORATION
STATION/PROGRAM TIME SCHEDULE

PROGRAM TITLE: SOLO ACT

LENGTH: 30 MINUTES

STATIONS	COMMUNITY OF CARRIAGE	DAY/TIME BDCST.
WOAY-TV 4	OAK HILL, WV	SAT. 7-7:30 AM
WSFJ-TV 51	NEWARK/THORNVILLE/COLUMBUS, OH	SUN. VARIES 1x PER WK.
WSWS-TV 66	OPELIKA/AUBURN, AL/COLUMBUS, GA	SUN. 9-9:30 PM
WTBY-TV 54	POUGHKEEPSIE, NY	SAT. 7:30-8 AM
WTGL-TV 52	COCOA/ORLANDO/DAYTONA BCH., FL	THU. 8:30-9 PM SAT. 5:30-6 PM
WTUC-TV 26	SPRINGFIELD/DAYTON, OH	SUN. VARIES 1x WK.
WTWR-TV 16	QUINCY, IL	SAT. 6-6:30 AM
WISE-TV 61	ASHLAND, KY	SUN. VARIES 1x WK.
<u>NATION-WIDE SATELLITE BROADCASTS</u>		
TBN	(Originates out of Santa Ana, CA)	SAT. 4:30-5 AM
CTN	(Originates out of Clearwater, FL)	MON. 7-7:30 PM FRI. 2:30-3 AM
<u>TBN FOREIGN STATIONS</u>		
CH. 21	GUATAMALA CITY, GUATAMALA, C.A.	SAT. VARIES 1x WK.
CH. 13	NEVIS, WEST INDIES	SAT. " "
CH. 44	CAMPIONE, ITALY	VARIES, BUT AIRS 1x WK.
CH. 32	LUCARNO, ITALY	" " "
CH. 46	PORTO CERREISO, ITALY	" " "
CH. 24	CISKEI, SOUTH AFRICA	" " "

1987 CABLE ROYALTY FUND
CHRISTIAN TELEVISION CORPORATION
STATION/PROGRAM TIME SCHEDULE

PROGRAM TITLE: ACTION SIXTIES

LENGTH: 60 MINUTES

STATIONS	COMMUNITY OF CARRIAGE	DAY/TIME BDCST.
KYFC-TV 50	KANSAS CITY, MO/SHAWNEE MISSION, KS	TUE. 5-6:00 PM
WCLF-TV 22	CLEARWATER/TAMPA/ST. PETE, FL	M-F 10-11:00 AM M-F 6-7:00 PM M-F 12:30-1:30 AM SAT. 4-5:00 PM SAT. 12:30-1:30 AM SUN. 12:30-1:30 AM
WGL-TV 52	COCOA/ORLANDO/DAYTONA BCH., FL	M-F 10-11:00 AM M-F 6-7:00 PM
WSWS-TV 66	OPELIKA/AUBURN, AL/COLUMBUS, GA	M-F 9-10:00 AM
WHFN-TV 39	MURFREESBORO/NASHVILLE, TN	M-F 7-8:00 AM M-F 5-6:00 PM
WHBR-TV 33	PENSACOLA, FL/MOBILE, AL	M-F 9-10 AM
WLCN-TV 19	MADISONVILLE, KY	M-F 5-6:00 PM
WTJC-TV 26	SPRINGFIELD/DAYTON, OH	M-F 11-12 NOON
WFTN-TV 9	PEORIA, IL	M-F 3-4:00 PM
WLLA-TV 64	KALAMAZOO, MI	M-F 6-7:00 PM
WTLJ-TV 54	MUSKEGON/GRAND RAPIDS, MI	M-F 1-2:00 PM
WPCB-TV 40	GREENSBURG/PITTSBURG, PA	MON. 3-4:00 PM
WGSN-TV 52	SANDUSKY/TOLEDO/CLEVELAND, OH	M-F 10-11:00 AM
WCFC-TV 38	CHICAGO, IL	M-F 6:30-7:30 AM
WMCE-TV 45	MONGOMERY, AL	VARIES 1x wk. 7:30-8:30 AM
[LPTV-CH. 30	ALEXANDRIA, MN	VARIES 1x wk. 6-7 PM

1987 CABLE ROYALTY FUND
CHRISTIAN TELEVISION CORPORATION
STATION/PROGRAM TIME SCHEDULE

PROGRAM TITLE: CELEBRATE (JESSY DIXON)

LENGTH: 30 MINUTES

STATIONS	COMMUNITY OF CARRIAGE	DAY/TIME BROADCAST
WCLF-TV 22	TAMPA/ST. PETE/CLEARWATER, FL	MON. 8:30-9 PM/ET FRI. 12-12:30 AM
WGLF-TV 52	ORLANDO/COCOA/DAYTONA, FL	SAT. 11-11:30 PM/ET
WHIN-TV 39	NASHVILLE, TN	MON. 7:30-8 PM/CT FRI. 10-10:30 PM
WHBR-TV 33	PENSACOLA/MOBILE	SUN. 11:30-12 PM MON. 7:30-8 PM FRI. 10-10:30 PM
WPCB-TV 40	GREENSBURG/PITTSBURGH, PA	SUN. 12-12:30 AM
KTBN-TV 40	SANTA ANA, CA	SAT. 11:30-12 midnight/PT
KPAZ-TV 21	PHOENIX, AZ	SAT. 12:30-1 AM/MT
KTBO-TV 14	OKLAHOMA CITY, OK	SAT. 1:30-2 AM/CT
WHFT-TV 45	MIAMI, FL	SAT. 2:30-3 AM/ET
WIBY-TV 54	POUGHKEEPSIE, NY (Fishkill, NY)	SAT. 2:30-3 AM
WKOI-TV 43	RICHMOND, IN	SAT. 1:30-2 AM/CT
KTBW-TV 20	TACOMA/SEATTLE, WA	SAT. 11:30-12 mid./PT
WLCI-TV 61	GREENSBORO, NC	SAT. 1:30-2 AM/CT
WDLI-TV 17	CANTON, OH (Louisville, OH)	SAT. 1:30-2 AM/CT
KNAT-TV 23	ALBUQUERQUE, NM	SAT. 12:30-1 AM/MT
KDTX-TV 58	DALLAS/FT. WORTH, TX	SAT. 1:30-2 AM/CT
K57BT CH. 57	DENVER, CO	SAT. 12:30-1 AM/MT
KLUJ-TV 44	HARLINGEN, TX	SAT. 1:30-2 AM/CT
KFTU-TV 34	MAURICEVILLE, TX	SAT. 1:30-2 AM/CT
TEAM-TV CABLE CH. 30	SIOUX FALLS, SD	SAT. 1:30-2 AM
THE MOTIVATIONAL NETWORK	(ROCK CHURCH in Virginia Bch, VA)	MON. 11-11:30 PM/ET

1987 CABLE ROYALTY FUND
CHRISTIAN TELEVISION CORPORATION
STATION/PROGRAM TIME SCHEDULE

PROGRAM TITLE: WORD FOR THE WORLD (Ron Cottle) LENGTH: 30 MINUTES

STATIONS	COMMUNITY OF CARRIAGE	DAY/TIME BROADCAST
WCLF-TV 22	TAMPA/ST. PETERSBURG/CLEARWATER, FLORIDA	SUN. 1:30 PM SAT. 7:00 PM
WHPN-TV 39	MURFREESBORO/NASHVILLE, TN	SAT. 5:30 PM SUN. 12:30 PM
WHBR-TV 33	PENSACOLA, FL/MOBILE, AL	SUN. 12:30 PM SAT. 6:00 PM
WFLX-TV 52	ORLANDO/COCOA/DAYTONA, FL	WED. 12:00 Midnight SAT. 1:30 PM
WSWS-TV 66	OPELIKA/AUBURN, AL & COLUMBUS, GA	SUN. 12:30 PM SAT. 6:00 PM
*Airs on all Trinity Broadcast Network stations: (Program is uplinked on KTBN-TV 40 & picked up by all other TBN stations)		
*KTBN-TV 40	SANTA ANA, CA	THU. 9:30 AM
*KPAZ-TV 21	PHOENIX, AZ	THU. 10:30 AM
*KTBO-TV 14	OKLAHOMA CITY, OK	THU. 11:30 AM
*WHFT-TV 45	MIAMI, FL	THU. 12:30 PM
*WBY-TV 54	POUGHKEEPSIE, NY	THU. 12:30 PM
*WKOI-TV 43	RICHMOND, IN	THU. 11:30 AM
*KTBW-TV 20	TACOMA/SEATTLE, WA	THU. 9:30 AM
*WLET-TV 61	GREENSBORO, NC	THU. 12:30 PM
*WDLI-TV 17	CANTON, OH	THU. 11:30 AM
*KNAT-TV 23	ALBUQUERQUE, NM	THU. 10:30 AM
*KTDX-TV 58	DALLAS/FT. WORTH	THU. 11:30 AM
*KLEJ-TV 44	HARLINGEN, TX (EDUCATIONAL)	THU. 11:30 AM
*KLTU-TV 34	MAURICEVILLE, TX (EDUCATIONAL)	THU. 11:30 AM
*K5ZBT-TV 57	DENVER, CO	THU. 10:30 AM
WHJR-TV 16	QUINCY, IL	THU. 11:30 AM

1987 CABLE ROYALTY FUND
CHRISTIAN TELEVISION CORPORATION
STATION-PROGRAM TIME SCHEDULE

PROGRAM TITLE: THE DOWNINGS

LENGTH: 30 MINUTES

STATIONS	COMMUNITY OF CARRIAGE	DAY/TIME BROADCAST
WEJC-TV 20	WINSTON-SALEM/GREENSBORO/HIGHPOINT, NC	WED. 7-7:30 PM
TEAM-TV, CABLE CH. 30	SIOUX FALLS, SD	THU. 12:30-1 PM
WCLF-TV 22	TAMPA/ST. PETE/CLEARWATER, FL	TUE. 7-7:30 PM THU. 1:30-2 PM SAT. 3-3:30 PM
WTGL-TV 52	COCOA/ORLANDO/DAYTONA, FL	TUE. 1-1:30 AM THU. 7:30-8 AM
WHNN-TV 39	MURFREESBORO/NASHVILLE, TN	SAT. 2-2:30 PM
WSWS-TV 66	OPELIKA/AUBURN, AL - COLUMBUS, GA	SAT. 2-2:30 PM
WMBR-TV 33	PENSACOLA, FL - MOBILE, AL	SUN. 6:30-7 PM
WCFC-TV 38	CHICAGO, IL	TUE. 11-11:30 AM
KFCB-TV 42	CONCORD, CA / SAN FRANCISCO/SACRAMENTO	MON. 5-5:30 PM
WTLJ-TV 54	ALLENTOWN, PA	SAT. 10-10:30 PM
WTJC-TV 26	SPRINGFIELD, OH	SAT. 7:30-8 PM

1987 CABLE ROYALTY FUND
CHRISTIAN TELEVISION CORPORATION
 STATION/PROGRAM TIME SCHEDULE

PROGRAM TITLE: MILLER BROTHERS

LENGTH: 15 MINUTES

STATIONS	COMMUNITY OF CARRIAGE	DAY/TIME BROADCAST
WCLF-TV 22	TAMPA/ST. PETERSBURG/CLEARWATER, FL	TUE. 7:15 PM SAT. 3:15 PM
WTGL-TV 52	ORLANDO/COCOA/DAYTONA, FL	TUE. 1:15 AM THU. 7:45 AM SAT. 10:45 PM
WHBR-TV 33	PENSACOLA, FL/MOBILE, AL	TUE. 6:15 PM SUN. 6:45 PM
WSWS-TV 66	OPELIKA/AUBURN, AL/COLUMBUS, GA	TUE. 6:15 PM SAT. 2:15 PM
WHNN-TV 39	MURFREESBORO/NASHVILLE, TN	TUE. 6:15 PM SAT. 2:15 PM
[TEAM-TV-Cable ch. 30	STIOUX FALLS, SD	TUE. 12:30 PM TUE. 12:45 PM

1987 CABLE ROYALTY FUND
 CHRISTIAN TELEVISION CORPORATION
STATION/PROGRAM TIME SCHEDULE

PROGRAM TITLE: THIS IS YOUR DAY

LENGTH: 30 MINUTES

STATIONS	COMMUNITY OF CARRIAGE	DAY/TIME BROADCAST
WCLF-TV 22	TAMPA/ST. PETE/CLEARWATER, FL	SUN. 4-4:30 PM
WTGL-TV 52	ORLANDO/COCOA/DAYTONA, FL	SUN. 6-6:30 AM
WHFN-TV 39	NASHVILLE, TN	SUN. 4-4:30 PM
WHBR-TV 33	PENSACOLA, FL & MOBILE, AL	SUN. 6-6:30 AM
		3-3:30 PM/CT
		3:30-4 PM/CT
		6-6:30 AM

1987 CABLE ROYALTY FUND
CHRISTIAN TELEVISION CORPORATION
STATION/PROGRAM TIME SCHEDULE

PROGRAM TITLE: GOOD NIGHT ALIVE

LENGTH: 60 MINUTES

<u>STATIONS</u>	<u>COMMUNITY OF CARRIAGE</u>	<u>DAY/TIME BROADCAST</u>
WCLF-TV 22	TAMPA/ST. PETE/CLEARWATER	M - F 11PM-12 mid./ET
WTGL-TV 52	ORLANDO/COCOA/DAYTONA	M - F 11PM-12 mid./ET
WSWS-TV 66	OPELIKA/AUBURN, AL & COLUMBUS, GA	M - F 10-11:00 PM/CT
WHIN-TV 39	NASHVILLE, TN	M - F 10-11:00 PM/CT
WHBR-TV 33	PENSACOLA, FL & MOBILE, AL	M - F 10-11:00 PM/CT

1987 CABLE ROYALTY FUND
CHRISTIAN TELEVISION CORPORATION
STATION/PROGRAM TIME SCHEDULE

PROGRAM TITLE: THE GOOD LIFE

LENGTH: 60 MINUTES

STATIONS	COMMUNITY OF CARRIAGE	DAY/TIME BROADCAST
WCLF-TV 22	TAMPA/ST. PETERSBURG/CLEARWATER, FL	M - F 12:30-1:30 PM/ET M - F 9-10:00 PM SAT. 12 Mid.-1 AM
WGLT-TV 52	ORLANDO/COCOA/DAYTONA, FL	M - F 12:30-1:30 PM/ET M - F 9-10:00 PM
WHNN-TV 39	NASHVILLE, TN	SUN. 11:30 PM-12:30 AM/CT M - F 11:30 AM-12:30 PM SAT. 11:00-12 Midnight
WHBR-TV 33	PENSACOLA/MOBILE, AL/FL	M - F 11:30-12:30 PM/CT
WEJC-TV 20	WINSTON-SALEM/HIGHPOINT/GREENSBORO, NC	M - F 12-1:00 AM
WSWS-TV 66	OPELIKA/AUBURN, AL & COLUMBUS/GA	M - F 7-8:00 PM/CT

EXHIBIT B

STATIONS LISTED IN CABLE DATA STUDY
WHICH BEGAN CARRYING CTC PROGRAMS IN 1987

STATION/CH. NUMBER	LOCATION	BASIS OF CARRIAGE
KDPTX-TV 58	DALLAS, TX	L
*KFCB-TV 42	CONCORD, CA	D (2 Dist. Sys.) 132,532 subs.
KLTU-TV 34	BEAUMONT, TX	L
KNAT-TV 23	ALBUQUERQUE, NM	L
WEJC-TV 20	LEXINGTON, NC	L
WKBS-TV 48	ALTOONA, PA	L
WLLA-TV 64	KALAMAZOO, MI	L
WMCF-TV 45	MONTGOMERY, AL	L
*WOAY-TV 4	OAK HILL, WV	D (3 Dist. Sys.) 3,856 subs.
WTJR-TV 16	QUINCY, IL	L
WTLJ-TV 54	MUSKEEGON, MI	L

DISTANT SYSTEMS ADDED SINCE 1986

*KFCB	2 Distant Systems	132,532 Dist. Sys Subscribers
*WOAY	3 Distant Systems	3,856 " " "
KTBN added:	1 Distant System	24,621 " " "
WPCB added:	1 Distant System	8,175 " " "
TOTALS	7 new Dist. Systems	169,184 New Dist. Sys. Subscribers

Note: These figures represent a 22.5% increase in the number of Distant Systems carrying CTC programs in 1987.

Distant Systems in 1986: 31

Distant Systems in 1987: 38

$$\frac{7}{31} = 22.5\% \text{ Increase}$$

~~Broadcast Stations in 1986: 36 Broadcast stations in 1987: 43~~
~~(4 did not continue carrying CTC in 1987).~~

~~Increase in Broadcast Stations in 1987 = 19.4%~~

CERTIFICATE OF SERVICE

I, Sybil Gaines, do hereby certify that I have this 4th day of October, 1989, mailed first class, postage prepaid, copies of the foregoing "MOTION TO STRIKE" to the following:

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Washington, D.C. 20007

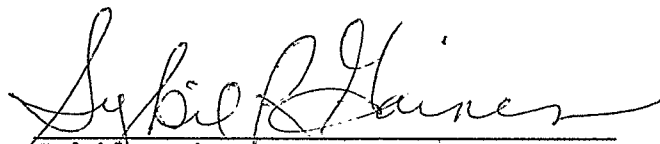
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*Robert R. D'Andrea
Robert T. Kennedy
Christian Television Corp., Inc.
6922 142nd Avenue, North
Largo, Florida 34641



Sybil Gaines

*Via Federal Express



0011: P59

CHRISTIAN TELEVISION CORPORATION

P.O. BOX 9021 - CLEARWATER, FLORIDA 34609-0921 - PHONE: (813) 735-3622

October 12, 1989

Mr. Mario F. Aguero
Acting Chairman
Copyright Royalty Tribunal
1111 - 20 Street, N.W.
Suite 450
Washington, D.C. 20036

RE: CRT Docket No. 89-2-87CD

Dear Mr. Aguero:

Attached is the Christian Television Corporation's, ("CTC"),
"RESPONSE TO MOTION TO STRIKE", submitted by the Settling Devotional
Claimants on October 4.

Please review our response and let me know if I can answer any
questions you may have.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert Kennedy", is written over a horizontal line.

Robert T. Kennedy
Representative for
CHRISTIAN TELEVISION CORPORATION

RTK

Attachment

Before The
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

OCT 13 1989
ORIGINAL

In the Matter of)	Docket No. CRT-89-2-87CD
)	
Distribution of 1987)	
Cable Royalty Fund)	
)	

RESPONSE TO MOTION TO STRIKE

Christian Television Corporation ("CTC"), wishes to respond to the Settling Claimants "Motion to Strike", dated October 4, 1989. CTC lists our opposition to each of the following points:

A. Testimony of Robert T. Kennedy

1. CTC proposes to modify the last sentence of the third full paragraph on page 2 to read as follows:

. . .we increased our distant subscribers by 91.2% from 1986 to 1987."

This revision will maintain the relevance to the Tribunal's determination concerning the marketplace value of CTC's programs solely on distant broadcast signals. The revision also clarifies the issue by distinguishing distant signal carriage from local, and should therefore be admitted to the testimony.

2. The last sentence of the fourth full paragraph on page 4 should stand as is. The sentence reads:

"CTC programming is a special benefit in that we offer 168 hours of Christian programming per week, 46½ hours of which is CTC-produced original programming."

There are two distant systems which carry the entire 46½ hours of CTC copyrighted programming which airs weekly on WCLF-TV.

The Settling Claimants statement in point 2 of their "Motion to Strike" is pointless. Their sentence reads:

"The amount of programming on the network and station have absolutely no bearing on the Tribunal's determination. . ."

This statement is a direct contradiction to the position the Devotional Claimants took in their 1983 Direct Case, (CRT No. 84-1-83CD), where Dr. David Clark's testimony included the following statements:

"Cable systems choose signals so as to develop a program mix which has special appeal to numerous discrete portions of the viewing public. 1/

"Devotional programming which is imported on independent stations as cable distant signals lends diversity and variety not otherwise available to many viewers. As a result, the availability of devotional programming to cable systems on distant signals is of very real benefit to cable system operators." 2/

The portion of my testimony the Settling Claimants wish to strike, (point 2 on the preceding page), was to show the benefit cable systems receive from secondary transmissions of CTC's programming. CTC offers a "program mix" in it's 168 hours of devotional programming, 46½ hours of which is CTC copyrighted programming. So the "amount" of programming is important in the Benefit portion of the five criteria on which the Tribunal bases it's determination. CTC offers more copyrighted devotional program variety to the cable operator than all of the Settling Devotional Claimants copyrighted programs combined, and therefore, should have considerable bearing on the Tribunal's determination.

1/ CRT Docket No. 84-1-83CD, Devotional Claimants Direct Case, Exhibit No. 1, Testimony of David W. Clark, page 3.

2/ Ibid., Benefits heading, last paragraph on page 10, and first paragraph on page 11.

3. The material beginning in the second line of page 5 relating to the article in Broadcasting magazine should not be stricken. Broadcasting magazine has been in existence since 1931 and is one of the most reputable publications of the broadcast industry. While this article does not have a sponsoring witness, I propose that it be allowed based on CRT 301.44(e) which also states that evidence may be submitted "for good cause shown."

In 1987, CTC only spent 2.2% of our total airtime in fund-raising. . . well below the 11% Prof. Winzenburg said the seven best-known TV ministries used in raising funds. My purpose was to point out the benefit cable operators have in choosing devotional programming in which a minimum amount of time is used in fund-raising.

4. The first clause of the first sentence of the last full paragraph on page 5 should be allowed to stand as is. The clause reads as follows:

"While most of the other devotional claimants must pay to have their programs aired on broadcast stations, . . ."

I based this statement on CTC airtime contracts I have personally reviewed in which the "700 Club", PTL Club, In Touch Ministries, Old Time Gospel Hour, and Oral and Richard Roberts agreed to purchase air time on CTC-owned stations. I am more than willing to produce these contracts and invoices as evidence in this proceeding if the Tribunal so directs.

5. The second and third sentences of the fifth paragraph on page 6 should not be stricken. The first sentence in this statement quoted on page 3 of the Settling Claimants "Motion to Strike", is relevant to this proceeding in that the entire 168 hours of weekly programming which airs on WCLF is retransmitted in it's entirety by at least two distant cable systems. The 46½ hours of CTC copyrighted programming is a part of this 168 hours.

Regarding the sentence which states:

"Eight (8) of the eleven CTC programs aired a total of 67 times each week in prime time between 6-11 PM."

CTC Exhibit No. 11 clarifies this statement by showing that eight of the eleven CTC programs aired 13 hours and 15 minutes per week in prime time on 17 distant systems. I am willing to modify the above quoted sentence to reflect the number of hours and minutes the 8 programs were carried in prime time on distant systems.

6. The following statement in the second full paragraph of page 7 should stand as follows:

"...in addition to the 5.65% of fees generated by CTC programming on Form 3 systems."

CTC Exhibit No. 6 clearly shows how I arrived at the 5.65% figure and is based on the same formula the Devotional Claimants used in their 1983 Direct Case, (CRT No. 84-1-83CD), Exhibit No. 12B, pp 1-4. The totals were taken from the Cable Data information study done for CTC by Tom Larson, CTC Exhibit No. 14. There is nothing false about the 5.65% figure at all.

7. The statement on page 10 of my testimony and quoted in item 7 on page 4 of the Settling Claimants "Motion to Strike", should stand as is. I have already stated my reasons and their relevancy to this proceeding in the previous pages of this response to the motion to strike.

8. The last four lines of the last paragraph on page 11 should be allowed to stand as is. This part of my testimony under the "Benefits" criteria was to emphasize the cable operators' heightened concern of fund-raising ethics by TV ministries following the publicity of the Bakker scandal.

CTC Exhibits 7-A & 7-B simply indicate this concern on the local and national level and reflect the feelings voiced to me personally by every cable operator I visited in the WCLF and WHTN viewing areas. The validity of these two articles is enhanced in CTC Exhibits 8 & 8-A, the 1986-87 Nielsen Report on Devotional Programs. This report shows the substantial decrease in the number of markets which carried the PTL Club, the 700 Club and other devotional programs. This Nielsen Report is relevant in that the majority of the stations were the same distant stations listed in the MPAA/Nielsen study. For example, the Settling Devotional Claimants MPAA/Nielsen study listed 13 distant stations carrying the PTL Club. 12 of those same distant stations were listed as carrying the PTL Club in the Nielsen Report on Devotional Programs. Likewise, MPAA/Nielsen listed 21 distant stations carrying the 700 Club. Of the 21, 19 distant stations are listed in the Nielsen Report on Devotional Programs as carrying the 700 Club.

Therefore, the newspaper and magazine articles in CTC Exhibits 7-A & 7-B were submitted to reflect both the local and national flavor in the broadcast and cable industries in 1987, and should be allowed to stand as is "for good cause shown."

9. The second sentence of the first paragraph on page 12 should stand as is for the same reasons given in my response in Item A(3), page 3.

10. The last sentence of the second paragraph on page 12 may be modified to read as quoted in my response in A(1), page 1:

"...we increased our distant subscribers by 91.2% from 1986 to 1987."

11. The first paragraph on page 13 should stand as is. CTC Exhibits Nos. 8, 8-A & 8-B are relevant and do relate to distant signal carriage in that 92% of the distant stations listed in the Settling Devotional Claimants MPAA/Nielsen Study as carrying the PTL Club, are also listed as carrying the

PTL Club in the Nielsen Report on Devotional Programs. And 90% of the 700 Club distant stations, (19 of the 21 distant stations listed in the MPAA/Nielsen study), are also listed as carrying the 700 Club in the Nielsen Report on Devotional Programs.

The Nielsen Report on Devotional Programs has been a part of past CRT proceedings and need not be sponsored by a witness. The Settling Claimants themselves used this same report in the 1983 proceedings to extract information provided in their Direct Case Exhibit No. 15, (CRT No. 84-1-83CD), and is mentioned in the proceeding's transcripts several times, (pp. 4325, 4326/lines 11-16, 4363,4364). This report is relevant and should be allowed to stand as is.

12. The first clause of the first sentence in the third paragraph on page 13 should remain as stated for the same reasons. I gave earlier in this "response", on page 3, item A(4). We have contracts and paid invoices which confirm the clause referred to. As one of the Directors of CTC who is involved in the decision-making of the Christian Television Network, I am competent to discuss these contracts and invoices and present them as evidence if the Tribunal so directs.

13. The third and fourth sentences in the third paragraph on page 13 may be modified to read as follows:

"For example, in 1986, 30 distant cable systems carried Joy Junction. In 1987, 37 distant cable systems carried Joy Junction, an increase of 23.3%."

This modification in the sentences shows the relevancy to the distant systems.

14. The following paragraph should not be stricken but modified to read as follows:

"In 1987, CTC also saw the following growth: 130% increase in the top 50 markets, (18% distant systems). . .and 57% increase in the top 20 markets, (30% are distant systems)."

The above paragraph was included under the heading: "Marketplace Value", and should be included "for good cause shown" as it demonstrates CTC's remarkable growth in both the top 20 and top 50 markets.

15. The sentence in the sixth paragraph on page 13 should stand as is. In demonstrating CTC's Marketplace Value, CTC wishes to emphasize the willingness of both the broadcaster and the cable operator to carry our programming in prime time, without charge, and should be allowed to remain "for good cause shown."

16. The clause in the second full paragraph on page 14 should remain as is. My reasons are stated on page 4 of this response under item A(6). Again, CTC Exhibit No. 6 clearly shows how I arrived at the 5.65% figure from totals taken from the Larson study (Exhibit No. 14). This is the same method used by the Devotional Claimants used in the 1983 proceedings in their Exhibits Nos. 12-A and 12-B.

17. The first paragraph on page 15 should not be stricken and remain as is. The first sentence is relevant in that the 46½ hours of CTC programming in question is retransmitted in it's entirety by at least 2 distant systems carrying WCLF-TV. The remainder of the paragraph is broken down to distinguish broadcast from cable carriage and is relevant in this proceeding.

18. The last two lines of the second paragraph on page 15 should not be stricken. For the sake of clarity, I will modify them to read as follows:

"CTC copyrighted programming made up an overall average of 4.4% of all programming airing on the 12 stations listed in CTC Exhibit No. 6."

A simple examination of Exhibit No. 6 lists the 12 stations whose programming is transmitted by Form 3 systems. The percent of CTC program content on each station was arrived at by taking the number of hours of CTC programming on each individual station and dividing it by the total number of weekly broadcast hours on each station. For example:

WCLF- Amount of CTC programming airing each week: 46.5 hours
 Total hours of WCLF weekly programming: 168 hours

$$\frac{46.5}{168} = 28.0\% \text{ of all WCLF programming airing on Form 3 systems is CTC copyrighted programming.}$$

The hours of weekly operation for each station was taken from the 1987 Broadcasting Yearbook. The 4.4% figure was derived by totaling the CTC Program % column and dividing it by 12. The column totaled: 52.6%

$$\frac{52.6\%}{12} = 4.4\% \text{ overall average CTC Programming on Form 3 systems}$$

There is nothing false about the above, and the explanation should clarify any misunderstanding.

19. In the section entitled Conclusion on page 15, the following lines should not be stricken:

- * CTC grew 130% in the top 50 markets. (Note: 140% was a typo).
- * CTC grew 57% in the top 20 markets.
- * CTC programming made up an average of 4.4% of all programming transmitted on Form 3 Distant systems, (from Larson CTC Cable study), and generated 5.65% of Form 3 Distant cable fees. (Exhibit No. 6)

The reason that each line should not be stricken is as follows:

(a) As I mentioned on page 7, item A(14) of this response, I believe the 130% and 57% growth figures are relevant in the Tribunal's consideration of CTC's Marketplace Value criteria. There is no evidence that any of the Settling Claimants have advanced in the marketplace either by broadcast, local or distant cable. CTC has advanced in all three areas, and "for good cause shown", the Tribunal should take the above facts into consideration. In considering CTC's Distant System growth in the top 50 markets, CTC showed an 8% gain. In the top 20 markets, CTC increased by 5 %.

(b) The 4.4% figure was explained at length on the previous page. The 5.65% figure was also explained in this response on Page 4, item A(6), and on Page 7, item A(16).

B. Testimony of Don MacAllister

20. The Third paragraph on page one should not be stricken, but allowed to remain as is. In this paragraph, Mr. MacAllister is relating the development of "Joy Junction" from 1986 to 1987. The next to last sentence of this paragraph distinguishes between local signal carriage and distant signal carriage. To further clarify this distinction, I propose to amend this sentence to read as follows:

"Approximately*525,644 of those subscribers were on 38 Form 3 distant cable systems, an increase of 74.4% since 1986."

*This figure was derived by matching the Form 3 systems with the stations listed in CTC Exhibit No. 12 which carried Joy Junction. In 1986, there were 301,397 Form 3 subscribers.

$$\begin{array}{r} 525,644 \\ -301,397 \\ \hline 224,247 \end{array} \quad \begin{array}{r} 224,247 \\ 301,397 \\ \hline \end{array} = 74.4\%$$

The above clarification enhances the relevance of the statement in this proceeding.

21. The fourth full paragraph on page 2 should be amended to state:

"In 1987, Becky's Barn was carried by 229 local cable systems and 11 distant systems reaching 196,375 Form 3 subscribers, and 2,428,625 local cable subscribers."

This paragraph separates local and distant system carriage to enhance the relevance of the statement.

C. Testimony of Thomas A. Larson

22. The third and fourth paragraphs on page 1 should not be stricken. This testimony serves to clarify that some distant and local stations which were listed in Larson's Cable Data study were not a part of CTC's carriage in 1986. By examining CTC Exhibit 14-A, it is quite easy to tell which of the stations was carried by distant systems.

Regarding the fourth paragraph, it too was added for clarity. However, if the Tribunal so desires, I will replace the last sentence of this paragraph with the following sentence:

CTC showed a 22.5% increase in the number of distant systems carrying CTC programming from 1986 to 1987.

D. Exhibits

23. The Settling Devotional Claimants motion to strike portions of the "Videotape Script" and the corresponding portions of the videotape is clearly unreasonable. The videotape was presented so the Tribunal would have some idea of what our programming was like. This tape was not made to sway the Tribunal's opinion one way or another, but simply to let them view the samples of copyrighted programs we are claiming in this proceeding. The tape was one that we have shown to cable operators and at various cable meetings, and to edit out portions which the Settling Claimants find objectionable is burdensome and an unreasonable request.

I am also requesting that the Tribunal allow items D(23) (b) & (c) to remain as a part of the videotape for the same reasons given above.

(d) CTC takes exception to striking the fourth full paragraph on page 5, (CTC Exhib. 4-A), and the associated portion of the videotape. The same exception goes for item 24 of their "Motion to Strike", (CTC Exhib. No. 5, item #7). GOOD NIGHT ALIVE is a CTC production which airs on at least two distant Form 3 systems carrying WCLF's programming. A quick look at Exhib. No. 12

and a simple check of Exhibit 14 would have shown the Settling Claimants the list of stations Good Night Alive airs on, the times it airs and the distant systems that carry it.

25. CTC Exhibits 7-A and 7-B are not the Nielsen Report as stated in the Settling Claimants Motion to Strike. The further I get into their "strike" list, the more I wonder if they have even bothered to read our Direct Case. In any case, I have covered my reasons not to strike CTC Exhibits 7-A and 7-B which are the newspaper and magazine articles I discussed in this "response" on page s 4 & 5, item A(8).

The Nielsen Devotional Report they mention is CTC Exhibit Nos. 8-A and 8-B. My reasons not to strike are given on pages 5 & 6, item 11, of this response report.

26. My response to their "Motion to Strike" the first two columns of Exhibit 11, is given on page 4, item A(5).

27. Once again, the Settling Devotional Claimants were lax in their attention to CTC's Exhibits. Their modification of CTC's Exhibit No. 12 has "strike" marks through several stations which were carried by distant systems:

KYFC, WLYJ, WPCB, - 1986 and 1987 distant systems carried these.
WOAY

WDLI, WTBY, WIKK - 1986 distant systems carried these and should be included in our Direct case since we have compared CTC's growth on distant systems from 1986 to 1987.

28. My reasons not to strike CTC Exhibit NO. 13 are given on page 3, item A(3).

29. My reasons for not striking CTC Exhibit No. 14-A are given in this response report on page 11, item C(22).



Robert T. Kennedy
Director of Special Projects and Cable Relations
and Representative for
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Dated: October 13, 1989

CERTIFICATE OF SERVICE

I, Robert T. Kennedy, do hereby certify that I have this 13th day of October, 1989, mailed first class, postage prepaid, copies of the foregoing "Response to Motion to Strike" to the following:

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